

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 3 and 8 are allowed. Claims 2 and 7 are cancelled. Claims 1, 4-6, and 9-12 remain pending in this application and, as amended herein, are submitted for Examiner's reconsideration.

Claim 9 has been amended solely to maintain proper antecedence. None of these amendments is intended to narrow the scope of the claim, and no new matter has been added by these amendments.

In the Office Action, claims 1, 4, 6, 9, 11, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yanagisawa (U.S. Patent Application Publication No. 2002/0126431) in view of DeWolf (U.S. Patent No. 5,279,458) and further in view of Masayoshi (Japanese Application Publication No. 2003-029850). Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

For example, amended claim 1 calls for:

the controlling of said cooling fan being performed by said temperature control means and said time control means such that said time control means stops operation of said cooling fan during the predefined duration and causes said cooling fan to operate in a low state after the predefined duration has elapsed, and said temperature control means causes said cooling fan to operate in a high state whenever the detected temperature value is greater than or equal to a predefined value regardless of whether the predefined duration has elapsed. (Emphasis added.)

The relied-on sections of DeWolf describe a system that allows a central desk computer to overwrite parameters in a space air conditioning unit and remotely configure the unit so that when a room is not rented, the space air conditioning unit of that room is configured to remain off and remains off even if the space thermostat of that room is calling for cooling. (See

col.2 11.53-56 and col.3 11.4-12.) Hence, the relied-on sections of DeWolf teach away from causing a space air conditioning unit to operate when a detected temperature value is greater than or equal to a predefined value during a duration in which the space air conditioning unit is remotely configured to remain off. Namely, the relied-on sections of DeWolf teach away from combining same with the relied-on section of Masayoshi, which merely describe driving a fan when a detected temperature rises to a set value or above, because the relied-on sections of DeWolf teach that such driving of a fan does not at all occur during a predefined duration in which operation of the fan is stopped.

Moreover, the relied-on section of Masayoshi describe driving a fan when a detected temperature rises to a set value or above and then driving the fan for a preset time after the detected temperature decreases to below the set value. The relied-on section of Masayoshi does not disclose or suggest driving the fan after a predefined duration has elapsed.

The relied on sections of Yanagisawa do not remedy the deficiencies of the relied on sections of DeWolf and Masayoshi.

It follows, for at least the above reasons, that neither the relied-on sections of Yanagisawa, the relied-on sections of DeWolf, nor the relied-on section of Masayoshi, whether taken alone or in combination, disclose or suggest the apparatus set out in claim 1, and therefore claim 1 is patentably distinct and unobvious over the cited references.

Independent claims 6, 11, and 12 each include features similar to those set out in the above excerpt of claim 1. Therefore, each of these claims is patentably distinguishable over the relied-on sections of Yanagisawa, DeWolf, and Masayoshi for at least the same reasons.

Claim 4 depends from claim 1, and claim 9 depends from claim 6. Therefore, each of these claims is distinguishable

over the relied-on sections of the references for at least the same reasons as the claim from which it depends.

Claims 5 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yanagisawa in view of DeWolf and Masayoshi and further in view of Frankel (U.S. Patent Application Publication No. 2003/0234625). Applicants submit that the claims are patentably distinguishable over the relied-on sections of references.

Claims 5 and 10 each include features similar to those set out in the above excerpts of claim 1. Therefore, each of these claims is distinguishable over the relied-on sections of Yanagisawa, DeWolf, and Masayoshi for at least the same reasons.

The relied on sections of Frankel do not remedy the deficiencies of the relied-on sections of Yanagisawa.

Further example, amended claim 5 calls for:

ramp-shaped rising control means for controlling a rotational frequency of said cooling fan so that when said cooling fan is caused to operate in a high state, the rotational frequency rises in a ramp-shape until the rotational frequency of the high state is attained,

the controlling of said cooling fan being performed by said temperature control means, said time control means, and said ramp-shaped rising control means such that said time control means stops operation of said cooling fan during the predefined duration and causes said cooling fan to operate in a low state after the predefined duration has elapsed, and said temperature control means and said ramp-shaped rising control means cause said cooling fan to ramp up to and operate in a high state whenever the detected temperature value is greater than or equal to a predefined value regardless of whether the predefined duration has elapsed. (Emphasis added.)

Amended claim 10 recites features similar to those set out in the above excerpt of claim 5.

The relied on section of Frankel describes maintaining a constant fan speed even with changes or variations in the input voltage to avoid the fan speeding up and consuming more

power when the input voltage increases and to avoid the fan slowing down and providing less cooling when the input voltage decreases. (See ¶ [0028].) The relied on section of the patent is not concerned with causing the fan speed to rise and, in fact, teaches away from changing the fan speed. Hence, the relied on section of Frankel does not disclose or suggest controlling a rotational frequency of a fan so that the rotational frequency rises in a ramp-shape, the relied on section of Frankel does not disclose or suggest controlling a rotational frequency of a fan so that the rotational frequency rises in a ramp-shape until the rotational frequency of the high state is attained, and the relied on section of Frankel does not disclose or suggest causing a cooling fan to ramp up to and operate in a high state.

The relied on sections of Yanagisawa, DeWolf, and Masayoshi do not remedy the deficiencies of the relied on section of Frankel.

It follows, for at least the above reasons, that neither the relied-on sections of Yanagisawa, the relied-on sections of DeWolf, the relied-on section of Masayoshi, nor the relied-on section of Frankel, whether taken alone or in combination, disclose or suggest the apparatus set out in claim 5 or the method set out in claim 10, and therefore claims 5 and 10 are each patentably distinct and unobvious over the cited references.

Claims 1, 4-6, and 9-12 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 4-7, 9 and 10 of co-pending Application No. 10/784,439.

Applicants note that the rejection is a provisional rejection and therefore a Terminal Disclaimer is not presently required.

Accordingly, Applicants respectfully request the

withdrawal of the provisional rejection under the judicially created doctrine of obviousness-type double patenting and the withdrawal of the rejections under 35 U.S.C. § 103(a).

Applicants express appreciation for the allowance of claims 3 and 8.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: January 29, 2008

Respectfully submitted,

By 
Lawrence E. Russ
Registration No.: 35,342
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant